1475

THE

MEASURE

OF AN

INCORPORATE LEGISLATIVE UNION

CONSIDERED WITH REFERENCE

TO THE

ADJUSTMENT OF 1782.

WITH A MODIFYING PROPOSITION,

ADDRESSED TO

EVERY DISPASSIONATE LOYAL MAN OF EVERY ORDER, SECT, AND PERSUASION, IN BOTH KINGDOMS.

THE THIRD EDITION.

BY A MEMBER OF THE IRISH LEGISLATURE.

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TO THE

READER.

MY motive for anticipating the official revival of the meaſure by this publication will be obvious to any man who may have leiſure to peruſe it; were I only to indulge the general bent of my mind, or my feelings, moſt eſpecially upon this great ſubject, I ſhould ſubſcribe the following pages for the completion of my internal ſatisfaction, by giving this laſt proof to my King and Country, that throughout the chequered ſeries of favour and miniſterial reſentment, my political conduct has been invariably directed by ſettled principles, and that it remains unaltered.

THE MEASURE, &c.

FELLOW-SUBJECTS of Great Britain and Ireland, Time preſſes:—The eventful hour is at hand—the ſtability of the empire depends on the reſult. Should the meaſure of an Incorporate Legiſlative Union be rejected, and no other meaſure be brought forward to attain the avowed object of it, Ireland is left in her preſent diſtracted ſtate. Is the meaſure carried, mental diſtraction is added to the manifold ſprings of diſcord, which lacerate her within; whilſt a powerful, active, and vigilant enemy awaits the moment to invade her from without. Away then with abſtract reaſonings, ſophiſtry, and paſſion! Away with Britiſh and Iriſh party, with popular clamour, private views and miniſterial influence! The magnitude of the object at ſtake ſilences ſuch wretched pleas. It ſuperſedes all paltry conſiderations. It empha-

tically and authoritatively calls forth the ſound ſenſe and inflexible virtue of both kingdoms. The evil has long ſince outgone all reach of expedient or experiment It demands a radical remedy which can only be found to effect, by deducing it from the root from which the evil has proceeded.

Let us then take a diſpaſſionate manly view of our imperial conſtitution, as originally eſtabliſhed and ſince improved, during a period of more than ſix hundred years. You will no longer be at a loſs to diſcover, whether our preſent diſorganized ſtate ariſes from any vice in the original formation of it, from any diſproportion in the whole, or in any of its component parts: In other words, whether it proceeds from any fundamental principle or ſubſequent modification; or from a departure from the principles upon which it was originally framed, and has been ſince modified. I have already ſaid Time preſſes. I will not waſte the precious moments in entering into remote diſquiſitions, alike inapplicable as inconcluſive.

It is of notoriety, that the imperial Union was achieved by Britiſh arms, was framed by Britiſh wiſdom, for the benefit of each kingdom with regard to itſelf, and of both collectively with regard to each other, with reference to every foreign ſtate. He who runs may read, that the object of England was to ſecure to herſelf the co-

operation

operation of Ireland againſt every rival power, whether friend or foe: that the object of Ireland was to acquire, under the protection of the Britiſh ſtate, real, perſonal, and political ſecurity, with every other benefit of the Britiſh conſtitution, to equal extent as Britain then did, or ſhould hereafter enjoy them, as well againſt domeſtic inſurrection, as againſt foreign rivality and invaſion: that as our imperial Union contained in itſelf two diſtinct objects, our imperial conſtitution neceſſarily contains two diſtinct principles; I ſay two principles, which, ſo long as they be reſpected and kept diſtinct, ſo far from jarring with each other, from diſſolving or ſhaking the ſolidity of the imperial fabrick, will for ever render it unaſſailable, as they ever have, until religious diſcord and ſpeculative ſyſtems have been of late years revived and abetted by petty paſſions, and petty intereſts of leading men, both in and out of power in both kingdoms.

The two diſtinct principles to which I allude, are *political or external ſubordination, legiſlative or internal independence.* They ſtand engraven in the immutable characters of ſelf-evident conſiſtency, on the very medium through which our imperial Union was firſt formed, and ſubſequently matured—the medium of the crown: The annexation of the crown, of Ireland to the crown of Great Britain, of courſe including, not only in ſpirit and principle, but likewiſe

wiſe in every operation and every act of its prerogative, upon every matter of imperial external concern, the dependence of Ireland upon the Britiſh State; whilſt the terms upon which that external ſubordination or dependence were, I may ſay, taken on by Ireland, viz. the acquirement of the real and perſonal ſecurity of the Britiſh conſtitution, do inviolably eſtabliſh to her, internal legiſlative independence, communicated to her by a faithful tranſcript of organization in the ſeveral departments of her ſtate, diſtinct, free and uncontrolled by Britiſh interference, throughout the entire range of internal legiſlation or management; wiſely do I ſay? providentially reconciled, and for ever kept alive by the organ of the great ſeal, at once the ſymbol of our Union and of the Crown, that Keyſtone of the imperial arch.

I aſk, have theſe fundamental principles of our Imperial Union, been piouſly adhered to and maintained inviolate by both kingdoms; or have they been violated by the one, and by the other, as ſuited the views of party men and miniſters in both? It cannot be denied, they have been by both kingdoms violated and departed from. It cannot either be denied, that Great Britain, in the adjuſtment of 1782, conſummated by her act of renunciation which followed, fulfilled her part, at once doing away every infringement as to times paſt, and ſhutting out every inroad, as to times to come, upon the legiſlative rights of the Iriſh Parliament. Would to God that the like regard had been then

paid

paid by Ireland, that ſhe had ſhut out on her part every inroad or infringement upon the political rights of the Britiſh State! Had due attention been paid by Ireland to the unerring principle "that wiſdom and juſtice ever go hand in hand," the hour of proſperity had not generated the ſeeds of humiliation and adverſity; unanimity in both kingdoms could not have brought forth the monſter Diſcord; nor could the hour of univerſal calamity paralyzing her underſtanding, have left the empire expoſed to falſe and ſubverſive conſtructions. Ireland had not aſſumed the right to *chuſe a Regent for herſelf*:—mindful that the ſole right and power of nomination are reſiant in the Britiſh State, ſhe would have awaited her appointment of *The Regent*, to recognize as ſuch, the rightful object of her own wiſhes.

What is the reſult? The power aſſumed and fatally exerciſed by both Houſes of Parliament of Ireland, ſo far as their faculty did extend, did, as was foretold it would, alarm the Britiſh Cabinet, Britiſh State, and Nation. They reaſon thus: "the reſpective kingdoms, from this moment at iſſue, upon the very vital principle of our Imperial Union, the right of nominating to the functionary of the executive, are alike at iſſue upon every other principle of our imperial conſtitution. Declaration of war, treaties of peace, alliance and commerce, though each and every one of them originating in the act of the crown, are, by the conſtruction thus put upon the adjuſtment of

1782, inſtantly brought under the juriſdiction of the Iriſh legiſlature, perverting the principle of communication into a right of cognizance, and the duty of co-operation into a power of control; extending her claims at home, *pari paſſu*, with her aſſumptions abroad, by ſuperadding That of altering as to herſelf the fundamental organization, and ſubſequent modification of that conſtitution ſacramentally received by her, not as a property to play with or alter at her diſcretion, but as a ſacred depoſit to be by her inviolably maintained, or if to be ſubſequently modified, to be ſo modified, not in the ſpirit of innovation, but upon the well-poiſed principle of aſſimilation only."

Such were their reaſonings, lamentably authenticated by the accumulated calamities which followed. The human mind ſet adrift by the diſorganizing conſtruction which had already ſhaken the balance of the ſtate; paſſion breaking out through every line of exceſs, did with electrick rapidity and fatal electrick force pervade the entire kingdom, marking his footſteps by blood and devaſtation, in concert with the mortal foe of empires and of mankind. But I will draw a veil over a ſcene of horrors, at the thought of which human nature ſickens.

Under this confluent preſſure of circumſtances, the Britiſh Cabinet, the Britiſh State, and Britiſh Nation, though by the Parliament of

of Ireland in one ſolitary inſtance only infringed upon, (in every other ſupported and upheld throughout,) took the alarm for every right or principle which by parity of reaſoning was thus put to the event. Great Britain in various parts in a ſtate of combination and conſpiracy; Ireland, in many of her counties, in actual rebellion; the cauſes of diſorder being loſt ſight of in the tumult of diſorder itſelf; and effects miſtaken for cauſes from which they did not proceed; the diſtracted ſtate of things is erroneouſly imputed to the original nature and ſubſequent modification of things: the inaptitude* of Ireland for a local parliament is aſſumed as an axiom not to be controverted, though it cannot be maintained. The ſeparation of Ireland from Great Britain, if not inſtantaneouſly prevented by ſome powerful ſpecifick, is conſidered matter of courſe: A propoſition is brought forward by the miniſter, but upon ſuch terms of ſpeciality with regard to the meaſure to be adopted, that by admitting the propoſition, all faculty of diſcuſſion, as to the aptitude or fitneſs of the mode by which it is propoſed to carry it into effect, is *ipſo facto* at an end. Had the propoſition† been ſtated

* For the aſſertion and the arguments attempted to be urged in ſupport of it, ſee Lord Minto's ſpeech in the Britiſh Houſe of Peers.

† Thurſday, January 31, 1799.

" GEORGE REX.

" His Majeſty is perſuaded that the unremitting induſtry with which our enemies perſevere in their avowed deſign of effecting the

ſtated to the Parliament of Ireland, in like terms as it was ſubmitted to that of Great Britain, or ſhould it now be made in like terms, there would not be a diſſenting voice in either Houſe of Parliament to the diſcuſſion of it.

That Ireland has ſeen and felt her fatal error, with regard to her conſtruction of the adjuſtment of 1782, is evident in this, that a bill, providing that the Regent for Great Britain ſhould at all times, and of right, be Regent of Ireland, under like Limitations and Reſtrictions, and with like Powers and Authority as to Ireland, as the Regent for Great Britain ſhould at any time be ſubject to and poſſeſs with regard to Great Britain, has been repeatedly attempted within doors, and repeatedly called for from without, in order for ever to do away and to prevent that erroneous conſtruction from being brought forward as a precedent. But would ſuch a bill alone ſuffice to do away the principle in its entire

the ſeparation of Ireland from this kingdom, cannot fail to engage the particular attention of Parliament; and his Majeſty recommends it to this Houſe to conſider of the moſt effectual means of counteracting and finally defeating this deſign, and he truſts that a review of all the circumſtances which have recently occurred (joined to the ſentiment of mutual affection and common intereſt) will diſpoſe the Parliaments of both kingdoms to provide in the manner in which they ſhall judge moſt expedient, for ſettling ſuch a complete and final adjuſtment as may beſt tend to improve and perpetuate a connexion eſſential for their common ſecurity, and to augment and conſolidate the ſtrength, power, and reſources of the Britiſh Empire. "G. R."

entire extent, by renouncing the claim which was founded upon that principle?

It muſt be admitted, that a regency-bill alone would not be ſufficient. Agitators at a future day may argue thus: "We acknowledge the right of regulation ſo far as goes to appointment to the Crown, or of the functionary of the executive, but we diſavow it as referring to the Britiſh State, even with regard to thoſe acts and regulations of her Legiſlature, which originating with the Crown, directly follow the exerciſe of the rightful prerogative of the executive. In right of our legiſlative independence we claim participation in the ſovereign power of the ſtate. In other words we claim the glorious prerogative of arreſting the political ſprings of the empire; of ſetting, at our ſovereign will and pleaſure, the King of Ireland at variance with the King of Great Britain." Such are the ravings which may hereafter be ſent forth, even to the diſſolution of the empire, unleſs due proviſion be forthwith made by Ireland effectually to prevent all future wandering beyond her rightful ſphere of acting.

Since then it ſtands proved that the preſent diſtracted ſtate of Ireland does not originate in any fundamental principle, or ſubſequent modification of our imperial conſtitution, but in

 ſpeculations

ſpeculations ariſing from her departure from the one, and from her miſconſtruction as to the other, it remains to conſider, whilſt yet there be time, whether an incorporate legiſlative union be, or be not, the only remedy which can be applied with equal efficacy, as well in point of extent, as of duration and permanent effect: Whether the nature of the evil does not admit of another remedy more conſonant to thoſe fundamental principles, on the departure from which the evil has confeſſedly grown. Once more I conjure my Fellow-ſubjects of both kingdoms, to keep preſent in mind, that as our imperial union contains two diſtinct fundamental objects, our imperial conſtitution neceſſarily contains two diſtinct fundamental principles, *external ſubordination, internal legiſlative independence.* If the former can be effectually reſtored and eſtabliſhed without altering or even trenching upon the latter, does not the voice of ſound policy, juſtice, and wiſdom, demand it? and that it can, again I ſay, he who runs may read. The way is open, it lies ſtraight before us. It lineally derives under the adjuſtment of 1782. The Britiſh act of renunciation, at once declaratory and enacting, has left nothing imperfect or incomplete reſpecting the internal legiſlative independence of the Iriſh Parliament.

An Iriſh act in like manner declaring and enacting *the political ſupremacy of the Britiſh State, as to all matters of imperial external concern upon*

terms

terms of equal benefit to Ireland as to Great Britain would, (it is ſubmitted) be a fair, a full, and juſt return on the part of Ireland, eradicating every ſeed, and blaſting every hope of ſeparation; ſilencing every argument attempted to be urged on behalf of an Incorporate Union, by reſtoring and conſolidating the imperial fabrick.

The paternal wiſh of the beſt of Kings has been already made known both here and in the ſiſter kingdom. Let us then provide for the tutelary object of the parental call, upon terms more conſonant to the conſtitution, and to the feelings of both kingdoms, than the meaſure which has been ſuggeſted for the attainment of that great end; upon terms which, uniting the minds of both kingdoms in Uniſon with our imperial conſtitution, will, through the one and the other, perpetuate its maintenance, preſervation and ſupport.

I will ſtop here. My appeal is made as well to the authors of, and advocates for the meaſure already propoſed, as to thoſe who oppoſe it. The Meaſure which I here ſubmit, may, I conceive, be with equal conſiſtency adopted by all; preſerving to the Imperial Monarchy a due proportioned ariſtocracy in each kingdom, unmixed as to the one, unmutilated as to the other: To the Parliament of each, integral internal legiſlation: To the Britiſh State, conſolidated political ſupremacy: To Ireland, an adequate repreſentative of Majeſty, together with a reſident nobility and firſt-

rate

rate gentry: To her Clergy of every order, ſect, and perſuaſion, exemplary due regard: To her Military, ſubordination and countenance: To her Revenues, domeſtic ſuperintendence, regulation, and management: To her Manufacturers, protection and control: To her Manufactures, national credit and character: To her Tenantry and Landlords, reciprocal kindly offices, reſponſibility, and confidence: To Government, the ſalutary weight proceeding from this moral influence: To the Prince and to his People, a ſhield againſt abuſe of power: To the Laws, and Judges of the Laws, the refulgent ſplendour of approbation unallayed: To the Ambitious, a field for virtuous ambition: To the Deſponding, a revolving ray of hope: To the Aggrieved, a reſting ground for the mental eye to pauſe on:—Thus for ever conciliating and uniting every feeling of the human heart, and every impulſe of the mind, with every faculty of the underſtanding, in unerring direction, unrefracted energy, and indiſſoluble co-operation; evincing this irrefragable truth, that the talent of governing, does not conſiſt in the art of breaking down, but in the ſcience of regulating the human mind and paſſions; and in reſpecting, maintaining, and preſerving with a judicious, well-poiſed hand, the juſt rights, privileges, and liberties, of each and every relation, order and department throughout the entire ſtate.

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